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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SALINAS DIVISION

UNITED STATES OF AMERICA,

Criminal No.: CR-08-00257 PVT

Plaintiff,

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME

vs.

TORY G. CARPENTER,

Defendant.

On August 4, 2008, the parties in this case appeared before the Court for a status hearing.

The parties jointly requested that the case be continued from August 4, 2008, until October 6, 2008 at 9:30 a.m., in order to allow time for defendant's counsel to prepare for the case. In addition, the parties requested an exclusion of time under the Speedy Trial Act, from August 4, 2008 to October 6, 2008 at 9:30 a.m. The parties agree and stipulate that an exclusion of time appropriate based on the defendant's need for effective preparation of counsel.

1 SO STIPULATED:

2 JOSEPH P. RUSSONIELLO
United States Attorney

3
4 DATED:

5 /S/
6 ROBERT N. MICHAELS
7 Special Assistant United States Attorney

8 DATED:

9 /S/
10 NICK HUMY
11 Counsel for CARPENTER

12 ORDER

13 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
14 under the Speedy Trial Act from August 4, 2008 to October 6, 2008. The Court finds, based on
15 the aforementioned reasons, that the ends of justice are served by granting the requested
16 continuance and outweigh the best interest of the public and the defendant in a speedy trial. The
17 failure to grant the requested continuance would deny defense counsel reasonable time necessary
18 for effective preparation, taking into account the exercise of due diligence, and would result in a
19 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
20 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

21 SO ORDERED.

22 DATED: _____

23 HOWARD R. LLOYD
24 United States Magistrate Judge